

OCT. 10. 2006 3:04PM ZILKA-KOTAB, PC  
TO : USPTO

NO. 4342 P. 1

ZILKA-KOTAB  
PC  
ZILKA, KOTAB & FEECE™

RECEIVED  
CENTRAL FAX CENTER

OCT 10 2006

100 PARK CENTER PLAZA, SUITE 300  
SAN JOSE, CA 95113

TELEPHONE (408) 971-2573  
FAX (408) 971-4660

FAX COVER SHEET

Date:	October 10, 2006	Phone Number	Fax Number
To:	Petition Division, USPTO	(571) 273-8300	
From:	Kevin J. Zilka		

Docket No.: NAIIP460/01.045.01

App. No: 09/963,659

Total Number of Pages Being Transmitted, Including Cover Sheet: 13

Message:

Please deliver to the Petition Division.

Thank you,

Kevin J. Zilka

Original to follow Via Regular Mail  Original will Not be Sent  Original will follow Via Overnight Courier

\*\*\*\*\*  
The information contained in this facsimile message is attorney privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone (if long distance, please call collect) and return the original message to us at the above address via the U.S. Postal Service. Thank you.  
\*\*\*\*\*

IF YOU DO NOT RECEIVE ALL PAGES OR IF YOU ENCOUNTER  
ANY OTHER DIFFICULTY, PLEASE PHONE \_\_\_\_\_Erica\_\_\_\_\_  
AT (408) 971-2573 AT YOUR EARLIEST CONVENIENCE

October 10 2006

OCT. 10. 2006 3:04PM ZILKA-KOTAB, PC

RECEIVED  
CENTRAL FAX CENTER

NO. 4342 P. 2

OCT 10 2006

Practitioner's Docket No. NAI1P460/01.045.01

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ivan Teblyashkin et al.

Application No.: 09/963,659

Filed: 09/27/2001

For: COMPUTER VIRUS DETECTION

Group No.: 2137

Examiner: Schubert, K.

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT**  
— under 37 CFR § 1.181(a)

1. I hereby petition to withdraw the holding of abandonment in this case, on the basis that the Issue Fee and Publication Fee were timely filed in the above-identified application.
2. I hereby state:
  - (a) The payment of the Issue Fee and the Publication Fee were authorized to be charged to our deposit account on June 28, 2006 as shown on the Part B- Fee(s) Transmittal.

---

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***

*(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

MAYLING

deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

37 C.F.R. § 1.8(a)

with sufficient postage as first class mail.

37 C.F.R. § 1.10\*

as "Express Mail Post Office to Addressee"

Mailing Label No. \_\_\_\_\_ (mandatory)

facsimile transmitted to the Patent and Trademark Office, (571) 273 - 8300.

  
Signature

Date: 10/10/2006

Erica L. Farlow

*(Type or print name of person certifying.)*

\* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(j). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

OCT. 10. 2006 3:05PM ZILKA-KOTAB, PC

RECEIVED  
CENTRAL FAX CENTER NO. 4342 P. 3

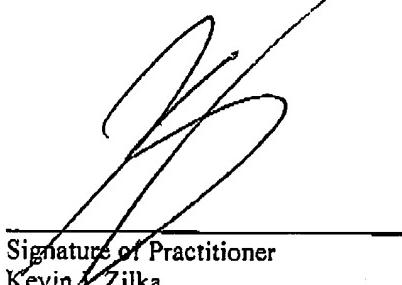
OCT 10 2006

3. I attach a copy of the Issue Fee Payment Transmittal showing that the fees in question were enclosed in section 4a, and the Director was authorized to charge the required fee(s) to our deposit account in section 4b. The Issue Fee Transmittal was submitted in duplicate for billing purposes.
4. A copy of the Notice of Abandonment is also enclosed.
5. In consideration of these submissions, it is respectfully requested that the holding of abandonment be withdrawn.
6. We believe no fee is due in connection with the filing of this petition. However, should such a fee be deemed necessary, authorization is hereby made to charge the amount required for this petition to Deposit Account No. 50-1351 (Order No. NAIIP460).

Please charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

Reg. No.: 41,429  
Tel. No.: 408-971-2573  
Customer No.: 28875

  
\_\_\_\_\_  
Signature of Practitioner  
Kevin J. Zilka  
Zilka-Kotab, PC  
P.O. Box 721120  
San Jose, CA 95172-1120  
USA

Petition to Withdraw Holding of Abandonment --page 2 of 2

OCT. 10. 2006 3:05PM

ZILKA-KOTAB, PC  
RECEIVED  
CENTRAL FAX CENTER

NO. 4342 P. 4

OCT 10 2006

COPY

Practitioner's Docket No. NAI1P460/01.045.01

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ivan Teblyashkin et al.

Application No.: 09/963,659

Group No.: 2137

Filed: 09/27/2001

Examiner: Schubert, K.

For: COMPUTER VIRUS DETECTION

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT  
— under 37 CFR § 1.181(a)

1. I hereby petition to withdraw the holding of abandonment in this case, on the basis that the Issue Fee and Publication Fee were timely filed in the above-identified application.
2. I hereby state:
  - (a) The payment of the Issue Fee and the Publication Fee were authorized to be charged to our deposit account on June 28, 2006 as shown on the Part B- Fee(s) Transmittal.

---

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*

(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that on the date shown below, this correspondence is being:

MAILING

deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

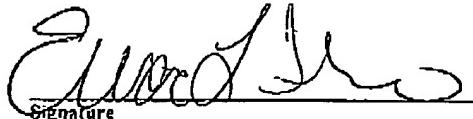
37 C.F.R. § 1.8(a)  
with sufficient postage as first class mail.

37 C.F.R. § 1.10\*

as "Express Mail Post Office to Addressee"  
Mailing Label No. \_\_\_\_\_ (mandatory)

TRANSMISSION

facsimile transmitted to the Patent and Trademark Office, (571) 273 - 8300.

  
Signature

Date 10/10/2006

Erica L. Farlow

(type or print name of person certifying)

\* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

3. I attach a copy of the Issue Fee Payment Transmittal showing that the fees in question were enclosed in section 4a, and the Director was authorized to charge the required fee(s) to our deposit account in section 4b. The Issue Fee Transmittal was submitted in duplicate for billing purposes.
4. A copy of the Notice of Abandonment is also enclosed.
5. In consideration of these submissions, it is respectfully requested that the holding of abandonment be withdrawn.
6. We believe no fee is due in connection with the filing of this petition. However, should such a fee be deemed necessary, authorization is hereby made to charge the amount required for this petition to Deposit Account No. 50-1351 (Order No. NAIIP460).

Please charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.



---

Signature of Practitioner  
Kevin J. Zilka  
Zilka-Kotab, PC  
P.O. Box 721120  
San Jose, CA 95172-1120  
USA

Reg. No.: 41,429  
Tel. No.: 408-971-2573  
Customer No.: 28875

# Auto-Reply Facsimile Transmission

# COPY



TO:

Fax Sender at 4089714660

Fax Information

Date Received:

6/28/2006 4:33:46 PM [Eastern Daylight Time]

Total Pages:

3 (including cover page)

**ADVISORY:** This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received  
Cover  
Page  
=====>

JUL 23 2006 1:44 PM	ZILKA-KOTAB, PC	WQ 3357 F. I
TO: ISSUE FEES		
<b>ZILKA-KOTAB</b>		
ZILKA, KOTAB & PARCER		
100 PARK CENTER PLAZA, SUITE 300 SAN JOSE, CA 95113		TELEPHONE (408) 971-2573 FAX (408) 971-4660
FAX COVER SHEET		
Date: June 28, 2006	Phone Number:	Fax Number:
To: Issue Fee Division, USPTO	(619) 273-2883	
From: Kevin J. Zilka		
DocRef No.: NAIIP460/01.043.0      App. No.: 09/963,659		
Total Number of Pages Being Transmitted, Including Cover Sheet: 02		
<p>Message:</p> <p>Please deliver to the Issue Fee Division.</p> <p>Thank you,</p> <p>Kevin J. Zilka</p>		
<input type="checkbox"/> Original to follow Via Registered Mail <input checked="" type="checkbox"/> Original will Not be Sent <input type="checkbox"/> Original will follow Via Overnight Carrier		
<small>The information contained in this document is attorney privileged and confidential information intended only for the use of the intended or duly named addressee. If another addressee receives it and is not the intended recipient, you are hereby notified that any dissemination, disclosure or copy of this communication is strictly prohibited. If you have reason to believe that someone else has received this communication, please immediately notify us by telephone (if long distance, please call collect) and request the original recipient to return the above document via the U.S. Postal Service. Thank you.</small>		
<small>IF YOU DO NOT RECEIVE ALL PAGES OR IF YOU ENCOUNTER ANY OTHER DIFFICULTY, PLEASE PHONE _____ AT (408) 971-2572 AT YOUR EARLIEST CONVENIENCE.</small>		
<small>Source: 000</small>		

PAGE 13 \* RCV'D AT 09/23/2006 1:44:00 PM | Eastern Daylight Time | SVR:USPTO-EFXRF-3/1 \* DNI:2738300 \* CSID:4089714660 \* DURATION (mm:ss):04:02

OCT. 10. 2006 3:06PM\* COI ZILKA-KOTAB, PC SULT REPORT ( JUN. 28. 2006 1:45PM NO. 4342 \* P. 7

FAX HEADER 1: ZILKA-KOTAB, PC  
FAX HEADER 2:

TRANSMITTED/STORED : JUN. 28. 2006 1:44PM  
LE MODE OPTION

ADDRESS

RESULT

PAGE

97 MEMORY TX

USPTO

OK

3/3

REASON FOR ERROR  
E-1) HANG UP OR LINE FAIL  
E-3) NO ANSWER

E-2) BUSY  
E-4) NO FACSIMILE CONNECTION

# ZILKA-KOTAB

PC  
ZILKA, KOTAB & FERCE™

100 PARK CENTER PLAZA, SUITE 300  
SAN JOSE, CA 95113

TELEPHONE (408) 971-2573  
FAX (408) 971-4660

## FAX COVER SHEET

Date:	June 28, 2006	Phone Number	Fax Number
To:	Issue Fee Division, USPTO	(511) 273-2885	
From:	Kevin J. Zilka		

Docket No.: NAIIP460/01.045.01

App. No: 09/963,659

Total Number of Pages Being Transmitted, Including Cover Sheet: 03

Message:

Please deliver to the Issue Fee Division.

Thank you,

Kevin J. Zilka

Original to follow Via Regular Mail  Original will Not be Sent  Original will follow Via Overnight Courier

The information contained in this facsimile message is attorney privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone (if long distance, please call collect) and return the original message to us at the above address via the U.S. Postal Service. Thank you.

IF YOU DO NOT RECEIVE ALL PAGES OR IF YOU ENCOUNTER  
ANY OTHER DIFFICULTY, PLEASE PHONE Erica  
AT (408) 971-2573 AT YOUR EARLIEST CONVENIENCE

June 27, 2006

OCT. 10. 2006 3:06PM

ZILKA-KOTAB, PC

NO. 4342 P. 8

**ZILKA-KOTAB**  
PC  
ZILKA, KOTAB & FEECE

RECEIVED  
CENTRAL FAX CENTER

OCT 10 2006

100 PARK CENTER PLAZA, SUITE 300  
SAN JOSE, CA 95113

TELEPHONE (408) 971-2573  
FAX (408) 971-4660

FAX COVER SHEET

Date:	June 28, 2006	Phone Number	Fax Number
To:	Issue Fee Division, USPTO		
From:	Kevin J. Zilka		

Docket No.: NAIIP460/01.045.01

App. No: 09/963,659

Total Number of Pages Being Transmitted, Including Cover Sheet: 03

Message:

Please deliver to the Issue Fee Division.

Thank you,

Kevin J. Zilka

Original to follow Via Regular Mail  Original will Not be Sent  Original will follow Via Overnight Courier

\*\*\*\*\*  
The information contained in this facsimile message is attorney privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone (if long distance, please call collect) and return the original message to us at the above address via the U.S. Postal Service. Thank you.  
\*\*\*\*\*

IF YOU DO NOT RECEIVE ALL PAGES OR IF YOU ENCOUNTER  
ANY OTHER DIFFICULTY, PLEASE PHONE \_\_\_\_\_Erica\_\_\_\_\_  
AT (408) 971-2573 AT YOUR EARLIEST CONVENIENCE

June 27, 2006

OCT. 10. 2006 3:07PM ZILKA-KOTAB, PC

NO. 4342 P. 11



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**COPY**

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,659	09/27/2001	Ivan Teblyashkin	01.045.01	9245
7590	09/28/2006			
Zilka-Kotab, PC P.O. Box 721120 San Jose, CA 95172-1120			EXAMINER SCHUBERT, KEVIN R	
			ART UNIT 2137	PAPER NUMBER

DATE MAILED: 09/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Notice of Abandonment</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/963,659	TEBLYASHKIN
	Examiner	Art Unit
	SHUBERT	2137

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address-

This application is abandoned in view of:

1.  Applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_.  
 (a)  A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.  
 (b)  A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
     (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).  
 (c)  A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).  
 (d)  No reply has been received.
  
2.  Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).  
 (a)  The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).  
 (b)  The submitted fee of \$300 is insufficient. A balance of \$1400 is due.  
     The issue fee required by 37 CFR 1.18 is \$1400. The publication fee, if required by 37 CFR 1.18(d), is \$300.  
 (c)  The issue fee and publication fee, if applicable, has not been received.
  
3.  Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).  
 (a)  Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.  
 (b)  No corrected drawings have been received.
  
4.  The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
  
5.  The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
  
6.  The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
  
7.  The reason(s) below:

lgd

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

**Attachment to Notice of Abandonment**

**For questions concerning the notice contact  
Office of Patent Publication  
Image Assistance Center: 888-786-0101.**

Information is also available on the USPTO Internet web site:  
<http://www.uspto.gov/web/patents/pubs/abandonnotice.html>

**Respond to the Notice of Abandonment by one of the following:**

**1. Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I and 37 CFR § 1.181) No fee required**

Where an applicant contends that the application is not in fact abandoned (e.g., a reply was in fact filed), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181 to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f). In order for a petition to be granted, the evidence must be sufficient according to 37 CFR § 1.8(b) Certificate of Mailing 37 CFR § 1.10 "Express Mail" mailing or MPEP 503 Postcard Receipt as Prima Facie Evidence. The petition should be addressed as follows:

By mail: Mail Stop: Issue Fee, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450

By facsimile: 571-273-8300

**2. Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (MPEP 711.03(c) II and 37 CFR § 1.181). No fee required**

Where an applicant contends that the original Notice of Allowance and Fee(s) Due was never received, if adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450

By facsimile: 571-273-8300

**3. Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)**

Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) or (b) (accompanied by the appropriate petition fee) is necessary to revive the abandoned application. The text of these rules is available on the USPTO Internet Web site. Forms for these petitions, "Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a)," PTO/SB/61, and "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," PTO/SB/64, are available in the forms section of the USPTO website: <http://www.uspto.gov>.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Mail Stop Petition, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450

By facsimile: 571-273-8300

Note: Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment

*Revised Sept. 2006*